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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,038	01/29/2004	Jeffrey R. Clarke	124.1033	4824

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EXAMINER	
DESTA, ELIAS	

ART UNIT	PAPER NUMBER
2857	

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/767,038	CLARKE ET AL.	
	Examiner	Art Unit	
	Elias Desta	2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 January 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1-9* is/are allowed.

6)☒ Claim(s) *10-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 January 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *1/29/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Detailed Action

Specification

1. The specification is objected to because of the following minor informalities:

   - Page 7: The "Third Party" and "Executive" software should be labeled consistent with the drawing description. Correction is required.

Drawing

2. The drawing is objected to because of the following minor informalities:

   - Fig. 3.1: the "Third Party" and "Executive" software should be labeled consistent with the drawing description, or make the correction in the specification as noted above.

Claim rejection – 35 U.S.C. 112

3. *Claim 14-19* are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for using a term in the claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "dB" in claim 14 is used to mean Hertz or "Hz", while the accepted meaning is defined as a standard unit which is used to express the ratio of two

power levels measured in Decibel (dB). Decibel is used in communications to express either a gain or loss in power between the input and output devices. Hence, the term used in claim 14 is indefinite and the specification does not clearly define the term.

Claims 15-19 are also rejected to the extent that they rely on a rejected indefinite base claim.

Claims 10-12 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: in *claim 10*, the interval noted for determining the instrument selection which covers values less than equal to, greater than and all but 50dB. However, the value all but 50dB interval actually creates ambiguity because these values are already covered under the first and second interval conditions, hence the feature amounts for omitting important structural element.

Claims 11 and 12 are rejected to the extent that they rely on a structurally indefinite method.

Claim rejection – 35 U.S.C. 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) The invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. *Claim 13* is rejected under 35 U.S.C. 102(a) as anticipated by TEGAM (TEGAM Application note, 'SWR/Return Loss Measurements Using System IIA') teaches a method of measuring standing wave ratio (SWR) of an attenuator (see TEGAM, Fig 2, 10dB and 6dB masking attenuator). The method includes:

- Forming a file of attenuator values to be used in the test [see Fig. 2, Model 4380 Synthesized signal source and system controller (PC)];
- Connecting a device under test (DUT) to a network analyzer (see Fig. 2, model 8852 & VM 7); and
- Testing each of the attenuator values by directing an input stimulus signal from the network analyzer to the DUT and receiving and measuring output signals from the DUT at the network analyzer (see Fig. 2, the DUT is connected to Synthesizer 4380 and the Network Analyzer 8852/VM-7 where the System Controller included in the arrangement inherently provides a sequential testing).

Allowance

6. *Claims 1-9* are allowed. The following is an examiner's statement of reasons for allowance:

In reference to claim 1: TEGAM teaches a method of testing the SWR (standing wave ratio) of an attenuator through a DUT (see TEAGAM, Fig. 2), but does not teach a system for testing attenuator includes a network analyzer, a down

converter, a signal generator, a calibration receiver and a control unit coupled to the network analyzer and calibration receiver and arranged to select which of the network analyzer and calibration receiver measure the output signal from the DUT.

The remaining *claims 2-9* are dependent upon claim 1 and contain further limitations.

Conclusion

7. Citation of pertinent prior arts:

a) *Kapetanic et al.* (U.S. Patent 6,529,844) teaches vector network measurement system.

b) *Vencel et al.* (U.S Patent 5,457,463) teaches an apparatus for generating one or more radar return signals representative of one or more remote objects useable in ground based, shipboard and airborne radar system for testing the radar and its user.

c) *Bradley et al.* (U.S. Patent 5,524,481) teaches apparatus and method for measuring the phase and magnitude of microwave signals.

d) *Liu et al.* (U.S. Patent 6,091,247) teaches calibration method for step attenuator.

e) *Wang et al.* (U.S. Patent 6,707,979) teaches optical loop-back attenuator.

f) *Singer et al.* (U.S. Patent 4,625,332) teaches programmable time varying attenuator.

g) *Werst et al.* (IEEE Article, 'Testing of Rapid-Fire Compensated Pulsed Attenuator System.

h) *Warner* (IEEE Article, 'High Accuracy, 150 dB, Attenuation Measurement System for Traceability at Radio Frequencies').

i) *Kilby et al.* (IEEE Article, 'The Accurate Measurement of High Attenuation at Radio Frequencies') teaches the method of tracing measurement at low uncertainty level of changes in attenuation value in excess of 140 dB at frequencies from 0.5 MHz to 100 MHz.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elias Desta whose telephone number is (571)-272-2214. The examiner can normally be reached on M-Thu (8:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (571)-272-2216. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)-272-1750.

Elias Desta
Examiner
Art Unit 2857

MARC S. HOFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800